

**AFFIDAVIT  
ZENA WOUADJOU**

STATE OF NEW YORK                                 )  
  ) ss.  
COUNTY OF NEW YORK                             )

ZENA. WOUADJOU, being first duly sworn on oath, deposes and declares as follows:

1. I am above the age of 18, and I am competent to make this affidavit.
2. I am on leave of absence without pay from the New York City Department of Education as a classroom teacher for the Harlem Renaissance High School located at 22 EAST 128TH Street, New York, NY 10035.
3. I was placed on leave without pay starting October 4, 2021.
4. I have worked for the New York Department of Education ("NYCDOE") for 22 years and I am a tenured teacher, that can only be terminated for cause pursuant to New York Education Law §3020. I hold a BA in English and an MEd in TESOL (Teaching English to Speakers of Other Languages), certifications in TESOL for grades K-12 and English Language Arts for grades 7 - 12.
5. I am a high school level classroom teacher. In that capacity I teach English as a New Language (ENL) in sheltered instruction and Integrated Co-Teach and Advanced Placement English Language & Composition. In addition to my role in the classroom, I am also the sole ENL Lead Teacher Liaison between the District ENL Support and my school, and provide support to subject area teachers, school staff and administration on curriculum, engagement, and social emotional needs of English Language Learners in my school. I am also one of three trained Restorative Justice Practitioners at the school.
6. On October 4, 2021, I was placed on Leave without pay for refusing to take the COVID-19 vaccine.
7. My job can be worked remotely. I have worked remotely in the past from March 2020 to June 2021. In March 2020, I was required to perform my job remotely as a result of the NYCDOE forced shuttering of New York City Public schools in response to the Covid-19 Pandemic. In the 2020-2021 School Year, I received medical accommodation from the NYCDOE based on meeting the eligibility criteria for being at high risk for Covid-19. During that time, I received an Effective Rating through the Advance Teacher Evaluation System.

8. In all the years I have worked for NYCDOE, the NYCDOE has never required me to get vaccinated.
9. A notice of the vaccine mandate, indicating that city employees would be required to show proof of (a) one dose of the Covid-19 vaccine or (b) negative Covid 19 test results every 7 days, was emailed to my work address during summer break on August 12, 2021. See **Exhibit A**
10. The initial notice from my employer did not mention that I had the right to receive religious exemption or accommodation.
11. On August 26, 2021, I received an email from the United Federal of Teachers (“UFT”) stating that employees had a right to request a religious exemption/medical accommodation. See **Exhibit B**
12. On September 18, 2021, I received an email from the NYCDOE Division of Human Capital stating that “staff members may now apply in SOLAS for a COVID-19 Vaccination Mandate Related Exemption or Accommodation” and that the application should be made through the SOLAS- the NYCDOE Leave Application System. See **Exhibit C**
13. The email informing me of my right to apply for religious exemption or medical accommodation, included the following instructions
  - Applications must be made using the [Self-Service Online Leave Application System \(SOLAS\)](#).
  - In SOLAS, employees should select the initial option to "Request Accommodation" and then the option to apply for an Exemption and Accommodation for COVID Vaccine-Related Reasons, and then indicate the category for the application.
  - All applications require supporting documentation which must be submitted at the time of application. The email did not include mention of a date by which I needed to apply for the exemption. Information about exemption application date came from communications from the UFT postings on the “Vaccine Mandate & Exemption” Section of FAQ page of the UFT website. Based on union website postings, the deadline for submitting a request for religious exemption was September 20,2021 @5:00pm, two days after I received notice of the opportunity to apply for the religious exemption.

14. I was not given any explicit instructions on how to make a request for a religious exemption from the vaccine before applying. Based on postings from the UFT member website, I received information that (1) *“Exemption requests are considered only for members who belong to recognized and established religious organizations and not where the objection is personal, political or philosophical in nature.”* (2) *Applications for religious exemptions must be documented in writing by clergy or a religious official.* I prepared my letter of request based on this information. I was unable to obtain a letter from “clergy” in part because of availability and also because my religion does not recognize official clergy. For that reason, I hesitated on whether I should apply, but decided to move forward to the application process anyway. Upon logging in to the SOLAS application system, I discovered that the process consisted of me uploading a letter explaining my sincerely held religious belief and/ or a letter from clergy or a religious official.
15. I was not given any instruction to specifically ask for a reasonable accommodation with the exemption request. The application system did not include any employer-created forms and the application instructions asked only for explanation of sincerely held beliefs.
16. On September 20, 2021, I submitted my request for religious exemption. I requested the religious exemption on the basis that I am a Muslim, in faith and practice who believes in the Sacred Texts of *The Holy Quran, The Bible, and Hadith (teachings from the life of Prophet Muhammad PBUH)*.
17. On September 22, 2021, I received an email from the NYCDOE address [solas\\_donotreply@schools.nyc.gov](mailto:solas_donotreply@schools.nyc.gov) notifying me that my request for religious exemption had been denied. (Attached is the notification as Exhibit B.) The denial of the request did not contain a reason. The letter stated that *“has failed to meet the criteria for a religious based accommodation.”* Also, the letter explained that *“Per the Order of the Commissioner of Health, unvaccinated employees cannot work in a Department of Education (DOE) building or other site with contact with DOE students, employees, or families without posing a direct threat to health and safety. We cannot offer another worksite as an accommodation as that would impose an undue hardship (i.e. more than a minimal burden) on the DOE and its operations.”*

18. Before my exemption was denied, no one from the NYCDOE or from my school spoke to me or contacted me about what accommodations I might need to continue working if my exemption were to be granted.
19. Included in the letter notifying me of the denial of my exemption request, was information regarding my right to appeal and the process by which I could submit an appeal. The letter stated *"Under the terms of the Arbitration Award, you may appeal this denial to an independent arbitrator. If you wish to appeal, you must do so within one school day of this notice by logging into SOLAS <https://dhrnycaps.nycenet.edu/SOLAS> and using the option "I would like to APPEAL". As part of the appeal, you may submit additional documentation and also provide a reason for the appeal."*
20. I did not receive any information regarding what additional information or documentation was required to apply. Additionally, the denial letter did not specify which "criteria" my exemption request failed to meet. I was given **one school day** to request an appeal through the SOLAS system.
21. September 23, 2021, I followed up by logging into the SOLAS system and submitting an appeal the next day. As a part of the process I was required to (1) type a brief explanation of my "reason for appeal" in a text box form (2) upload any additional document in support of my request, but not to upload previously submitted documents.
22. After submitting the application, I received email confirmation of my submission to my NYCDOE email. Within the body of the submission confirmation email, I was also informed that my appeal request and documents, if uploaded, would be forwarded to an independent arbitrator, Scheinman Arbitration and Mediation Services ("SAMS"), and that if I had additional documentation to submit, I could do so by forwarding the materials from my NYCDOE email to the applicable addresses provided within 48 hours.

UFT: [AppealsUFT@ScheinmanNeutrals.com](mailto:AppealsUFT@ScheinmanNeutrals.com)

CSA: [AppealsCSA@ScheinmanNeutrals.com](mailto:AppealsCSA@ScheinmanNeutrals.com)

Local 237: [AppealsTeamstersLocal237@ScheinmanNeutrals.com](mailto:AppealsTeamstersLocal237@ScheinmanNeutrals.com)

Local 891: [AppealsLocal891IUOE@ScheinmanNeutrals.com](mailto:AppealsLocal891IUOE@ScheinmanNeutrals.com)

23. Subsequently, on September 29, 2021, I received notice from the arbitrator assigned to my appeal, Julie A. Torrey, that an Appeal Hearing had been scheduled for me for September 30, 2021 at 11:00 am via Zoom. The letter further explained that my principal was required to provide a “quiet space” and coverage for my duties during the time of the hearing.
24. After receiving notice of the hearing, I contacted my union chapter leader to inquire about the possibility of union representation at the hearing as well as advice on what to expect/ how to prepare for the appeal hearing. The union chapter reached out to our district representative, Patricia Crispino, who informed the chapter leader that someone would reach out to me via phone or email to discuss the matter.
25. I received an email from a union representative, Michael Herron, informing me that he was aware of my appeal hearing and asking if I wanted representation during the hearing. I requested a phone meeting before the hearing, however, that did not happen. I met with Mr. Herron via Zoom at the time of the hearing.
26. A colleague was assigned to cover two of my class periods, allowing me to participate in the hearing via zoom from my classroom. During the hearing, the arbitrator, Julie A. Torry introduced herself and meeting participants; myself, the union representative (Michael Herron), and lawyer for the NYCDOE. She stated the purpose of the hearing was to review an appeal of the denial of submitted religious exemption from the Covid 19 Vaccine mandate.
27. The hearing proceeded as follows: (1) I was sworn in before I provided testimony (2) The union representative asked to be placed in a Zoom Breakout Room to introduce himself to me and clarify the case. (3) Upon return to the main room, the arbitrator asked me to verbally explain my reason for requesting an exemption. (4) I summarized my sincerely held beliefs as stated in my written exemption request. (5) The lawyer representing the NYCDOE responded to my statement by quoting Health Commissioner Choksy on the contents of the vaccine and stated that I had not submitted a letter from clergy in support of my exemption request. (6) The UFT representative requested another Breakout room be created to speak to me privately. (7) In the breakout room, the UFT representative asked me how I intended to respond to the issues/ questions raised by the NYCDOE lawyer. (8) Upon return to the Main room, the arbitrator

said that I could respond to the NYCDOE lawyer's questions. (8) I reiterated part of my statement which had been misconstrued by the NYCDOE lawyer. I also explained my religion's views on "clergy" (not recognized by my religion). (9) The arbitrator asked additional questions: *Have you ever been vaccinated? Do you take over the counter medication?* (9) After I responded to these questions, the arbitrator stated that I would be notified of a decision at a later date and ended the Zoom meeting.

17. On October 1, 2021, I received an email from the email address [vaccineappeals@scheinmanneutrals.com](mailto:vaccineappeals@scheinmanneutrals.com) with an attachment of the Arbitrator Award document stating that my appeal was denied. The arbitration decision was dated September 30, 2021 and signed by arbitrator Julie A. Torrey. The denial was followed by a statement "*Appellant failed to establish entitlement to a religious exemption .*" **Exhibit D**

18. On October 2, 2021, I received an email notifying me that I was placed on Leave without pay starting on October 4, 2021, due to my unvaccinated status. The Notice also provided options to either resign and waive my right to challenge the resignation, or to continue to stay on "leave without pay" through Sept. 5, 2022 and again waive my rights. This letter was coercive and intimidating in order to force me to take the vaccine. **Exhibit E**

19. On November 19, 2021, I received an email from NYCDOE Division of Human Resources with the subject line "New Appeal Option for Religious Exemption to the COVID-19 Vaccine Mandate" The notice stated that "*other City employees now have an option to appeal a religious exemption denial by their agency to a central Citywide Panel. Based on your status, you now have an opportunity to also appeal to this Citywide Panel.*" It also stated that my "request will be considered by a central Citywide Panel composed of representatives of the Commission on Human Rights, the Department of Citywide Administrative Services, and the Office of the Corporation Counsel. The determination will be made by the panel according to the standards imposed by Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, and the New York City Human Rights Law." In order to reapply for the appeal, I was required to: (1) submit the new appeal application via SOLAS. (2) Submit the appeal by Friday, 11:59pm on December 3, 2021. (3) materials already submitted did NOT

need to be resubmitted (4) documentation from a religious official is not required but you are free to submit it. Also, the letter stated that I did not need to submit documentation from clergy or religious officials, and that I would remain on Leave Without Pay until a decision was made, after which I would have 7 days from the decision to apply for a Leave Without Pay extension. Also included was a screenshot of the Step-by-step process to follow once inside the SOLAS system. **Exhibit F**

20. On December 3, 2021, I submitted my second appeal request via SOLAS. In the SOLAS system I was asked to include an explanation of reason(s) for appeal. I wrote and uploaded an additional letter, summarizing my sincerely held beliefs and why they prevent me from participating in the Covid19 Vaccination, as well as a summary of my experience during the appeals hearing during which NYCDOE representatives made statements reflecting a misunderstanding of my religion and religious beliefs as they relate to the vaccine. At the conclusion of my appeal, I also stated that "I am open to any restorative processes that can facilitate my continuing to serve the young people and families of New York City Public Schools while honoring my sincere religious beliefs and practice of my faith."
21. On January 7, 2022, I received an email from NYCDOE Division of Human Resources with the Subject Line "*Your Appeal to the Citywide Panel - Additional Information*" In this letter, I was told that my appeal to the Citywide Panel had been submitted. I was asked to submit additional information, including (1) Whether I have previously taken vaccinations (2) describe this with more clarity, describing any other commonly used medicines, food/drink and other (3) more information about my stated objection to use of derivative fetal cells in the development of a vaccine, and whether there are other medications or vaccinations that I do not take because of this objection. (4) additional occasions you have acted in accordance with the cited belief outside the context of a COVID-19 vaccination. All additional information was to be forwarded to [PanelAppealUpdate@schools.nyc.gov](mailto:PanelAppealUpdate@schools.nyc.gov) by Friday, January 14, 2022 at 8:00 pm

**Exhibit G**

22. To date, I have not been contacted by anyone from the NYCDOE to speak about any reasonable accommodation that could be provided or discuss my options for accommodations
23. I have filed an EEOC Complaint and requested a right to sue.
24. On March 7, 2022, I received a notice that my appeal was denied. See **Exhibit H**
25. On March 8, 2022, I received a follow-up notice regarding my appeal denial, against informing me of my option to resign and waive my rights or get vaccinated. Again, this was harassment and intimidation to coerce me to go against my religious beliefs. See **Exhibit I**
26. On March 21, 2022, I received a final notice of termination. See **Exhibit J**
27. I have not received a Charge notifying me that I have been terminated for “cause” pursuant to NY City Education Law §3020, which is the ONLY basis for which I can be legal terminated.
28. During this entire process of seeking to continue to work unvaccinated, I was never informed about my rights under the Occupational Safety and Health Act, which I just learned of as of this affidavit. I have never been trained in Covid Safety Protocols nor have I been told that I had a right to be provided with workplace equipment that would allow me to continue to work in my unvaccinated status despite the existence of the virus that causes Covid has been declared to be in New York City school buildings.
29. The Court has determined that the agreement between the NYCDOE and the City only allowing religious exemptions for certain religions was unconstitutional.
30. Throughout this process, the constant harassment and coercive nature of the communication and actions taken by the NYCDOE, have created tremendous emotional stress and anxiety for me as I navigate this situation as well as my responsibilities to my family. and community. As a mother and head of household who has been the sole provider for my children, the inability to provide or guarantee stability and emotional security for them during this time, as we all continue to navigate the impacts of the pandemic, has been heart-breaking. As always, I turn to my faith for support. Still, the experience has been horribly stressful and emotionally painful.



31. It has been especially difficult to balance responding to the constant pressure from the NYCDOE, and responding to the needs of my youngest child, a high school senior (soon to be NYC Public School graduate), who should be able to celebrate her hard work and resilience (learning and succeeding through two years of a pandemic) with her mother. Having to split my attention between where it should be (senior pictures, PTA meetings, college applications), and the “new normal” of emails about “consequences of non-compliance” and imminent “unilateral termination” has taken a toll on and dampened the spirit of the entire household. This time and the “senior year” and pre-college planning is an experience our family will never have again.
32. Wanting to shield my family from additional worry and stress, I often isolate myself to express my sadness and disappointment in the injustice of the situation privately. In addition to my personal conversations with the Creator through my own prayer practice, I am grateful that I can express my emotions during my bi-monthly prayer and conversation circles with my online interfaith community, and in the restorative talking circles I participate in with others who are feeling the impact of this time. Both have been therapeutic for me, yet I know that the only real relief from the distress is through remedy and provision of reasonable accommodations that allow me to return to serving as an educator and restoring some of the stability in my day-to-day-life.
33. As a native New Yorker who has lived in, loved, and served my city for all my life, it is painful to think that I might have to move out of the City of New York to seek another job if the NYCDOE is not enjoined from continuing to deprive employees of reasonable accommodation.
34. As the eviction moratorium looms, and I am for the first time in the last 22 years of my life without and restricted from gainful employment and income, I am now vulnerable to the threat of eviction if I do not obtain relief.
35. Additionally I have experienced the gradual destruction of my financial profile and denial of access to tax-payer funded financial resources that will continue to negatively impact me and my family, even after the remedy of restoration of employment and lost income is granted. These negative impacts include:
- A. As this “Leave Without Pay,” created by the NYCDOE as a consequence of non-compliance with Covid 19 vaccine mandate, comes with the

stipulation that the time on leave is “not pensionable,” The benefits of employer funds matching, compounded interest on investments and TRS stock investment during this period will not be received and cannot be recovered.

- B. Because this time is not pensionable, the service time required for me to receive full pension benefits will be pushed back. I was also told by a UFT pension specialist, that if I were to separate from or be separated from service today, I would suffer a 27% reduction in pension payout for the rest of my life at the point of retirement.
- C. I am currently unable to purchase additional service credit due to the fact that I, (1) am not on payroll and unable to make bi-weekly payroll deductions towards service credit purchase, and (2) have no income and am restricted from gainful employment with the NYCDOE or elsewhere, making it impossible for me to pay for service credit out of pocket.
- D. I no longer have the means to pay for non-basic needs expenses which are essential to the wellbeing of my family, namely (1) the out-of-network expenses for therapy sessions for my daughter with a clinician we have come to trust and (2) access to nutrition plan and naturopathic resources & practitioners services that have been helping me to reverse underlying health condition.
- E. With no NYCDOE income and restriction from earning income elsewhere, I struggled to make on-time payments for my monthly expenses and am forced to rely on credit to stay afloat. As a result, my credit bureau ratings have decreased. As a parent and sole financial provider for my household, I fear that a negative credit rating will limit my ability to support my youngest child, who is a graduating senior, with financing her first year of college.
- F. Being placed in the “limbo” of being “employed” but “unpaid” makes it impossible to continue to independently support myself and my family financially, and renders me ineligible for receiving social services and financial support during the time when I need it most. For example, as we were informed during an October 6th UFT Zoom webinar, as an LWOP teacher, we are not allowed to receive unemployment as long as

we remain employed and receive health insurance. Additionally, as I complete applications for other tax-payer supported social supports (emergency rental assistance, utility assistance, Supplemental Nutrition Assistance, Federal Financial Aid), I am repeatedly faced with questions regarding “employment status” and “income” to determine my eligibility.

36. After having worked through the unprecedented circumstance of the Covid 19 Pandemic, making the necessary adjustments as a teacher to support my students academically, socially and emotionally, I had hoped that the 2021-22 school year would be a gentle gradual and reopening for students, families and school staff. When the mayor and school chancellor announced the aggressively in-person return to school, I was concerned; but, just as I had taught through the September 11th attacks, Hurricane Sandy disaster and the myriad of constant challenges faced by the community in which I live and serve, I told myself that *this was possible*.

37. I returned to my school building, my classroom, and most importantly, my students, with optimism. I submitted to required weekly Covid testing, masking, physical distancing, temperature checks and health screenings every day. I created a digital classroom, as instructed, in case the schools might have to be shuttered again and pivot to remote. But as I attempted to create a supportive and restorative culture in my classroom, I was faced with a growing culture of intimidation, intolerance, and targeting within the system I was serving- the NYCDOE. There was the increasingly harassing communication from the NYCDOE officials, using divisive language comparing rights and restrictions for “the vaccinated” and “unvaccinated” staff & students, being routinely & publicly questioned about my vaccination status, being constantly warned of the “consequences” of non-compliance. There were the media soundbytes of the school chancellor, mayor and governor, speaking without compassion about how “replaceable” non-compliant teachers are. Finally, being removed without a trace from the classroom & school premises with instructions “not to contact students and families,” has created additional trauma (on top of Covid 19 trauma), for both myself and my students—some of whom have reached out to inquire about why I have not returned but received no reply from me or clear answer from the DOE. We are all left without any means of closure.

I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct.

  
ZENA WOUADJOU

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

Subscribed and sworn to (or affirmed) before me on this 14 day of April, 2022, by Z. WOUADJOU, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Witness my hand and official seal.

  
Signature of Notary Public

[Affix Notary Seal]

RAYMOND BIVINS  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01BI6235564  
Qualified in New York County  
Commission Expires February 14, 2023

Vaccine Portal

## DOE Vaccination Portal

D

Division of Human Capital

Thu 8/12/2021 11:33 AM



Report Phishing - Report phishing to help stop future attempts



To:

- Division of Human Capital

Dear Colleagues,

Recently, Mayor de Blasio announced that as of September 13, 2021, all City employees, including DOE employees, are required to provide proof of COVID-19 vaccination or a negative COVID-19 test once every seven days. Employees who have received at least one dose of the COVID-19 vaccine by September 13 will not have to submit weekly test results. (Employees who have one dose but who are not fully vaccinated by September 13 will still be expected to update their records when fully vaccinated to continue to be exempt from the weekly testing requirement.)

**In order to be exempt from the weekly testing requirement, you must submit proof of vaccination using the DOE's Vaccination Portal, here: <https://vaccine.schools.nyc/>.** For more information and updates, visit the [COVID-19 Vaccination Portal page](#) on the DOE InfoHub.

The Vaccination Portal allows you to provide the DOE your vaccination status and to upload proof of vaccination, which can be an image of your vaccination card, NYS Excelsior Pass, or other government record. Submitting this information will support New York City's pandemic response and recovery efforts, and help ensure that the DOE is a safe place to work for all employees.

The portal will also be enhanced to allow staff who do not submit proof of vaccination to submit the required weekly COVID-19 test results. More details regarding the weekly COVID testing requirement will be shared prior to September 13.

The privacy and security of your information will be protected by technical, physical, and administrative safeguards, including encryption. This information will be kept confidential in accordance with federal, state, and local laws. If you encounter technical issues using the Vaccination Portal, please contact the DOE Help Desk by [opening a ticket online](#) or calling 718-935-5100.

For more information about where to get vaccinated, visit [vaccinefinder.nyc.gov](https://vaccinefinder.nyc.gov) or call 877-VAX-4-NYC.  
For more information on where to get tested, visit  
<https://www.nychealthandhospitals.org/covid-19-testing-sites/>.

Sincerely,

## Safety protocols for the coming school year

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From: UFT President Michael Mulgrew (noreply@uftmail.org)

To: zwouadjou2000@yahoo.com

Date: Thursday, August 26, 2021, 07:33 PM EDT

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[View Online](#)

[Your Rights](#)

[Your Benefits](#)

[Your Union](#)

Dear Zena,

The city today released its full health and safety plan for the 2021-22 school year, which builds on the strategies we used successfully last school year to keep our school communities safe.

Health and safety continues to be our top priority. We have been working with city and DOE officials throughout the summer to ensure that our members and our students remain safe when schools fully reopen in September amid the pandemic.

New York City schools will follow similar health and safety protocols as last school year on cleaning, ventilation, masks and personal protective equipment, and daily health screening.

Here are highlights of other features of the plan:

### Physical distancing in schools

The DOE will follow the CDC recommendation to maintain at least 3 feet between students within classrooms. When it is not possible to maintain 3 feet in a given school, the DOE advises layering multiple other prevention strategies. During meal service, schools will use outdoor spaces and additional spaces in school buildings where possible.

### COVID-19 testing in schools

Every school will have 10 percent of unvaccinated individuals who have submitted consent for testing in their school population tested biweekly. Students and staff who are fully vaccinated are not required to be tested.

### Positive cases of COVID-19 in schools

**Elementary Schools:** If there is a positive case in a classroom, all students in the class will be instructed to quarantine for 10 calendar days.

**Middle and High Schools:** In the event there is a positive case in a classroom, students who are:

- At least 12 years old, vaccinated and not showing symptoms will continue to attend school in-person.
- At least 12 years old, vaccinated and showing symptoms will be directed to quarantine for 10 calendar days.
- Unvaccinated will be directed to quarantine for 10 calendar days. Those students who test negative on Day 5 of their quarantine can return to school on Day 7.

### Remote Instruction

The mayor has finally acknowledged the need for virtual instruction for medically fragile children and for those in quarantine, something we have maintained was necessary since last spring.

We are still working out the details of this remote instruction and other challenging aspects of the safety protocols, and we will continue to push for acceptable solutions to these issues at the bargaining table.

[See the full plan](#)

Starting Aug. 31, we will train the COVID-19 building response team in every school to ensure all protocols and procedures are being followed correctly. We will be reaching out to chapter leaders with more details next week. More than 3,000 UFT members benefited from this training last fall.

### Update on the vaccine mandate

We are moving ahead with impact bargaining with the city on its new vaccine mandate for DOE employees. While the UFT is a proponent of the vaccine, and we know an overwhelming majority of our members have already been vaccinated, we have a duty to make sure that the city's mandate is implemented correctly and legally.

In impact bargaining, we will ensure that the city respects our members' rights by law and the DOE-UFT contract as it implements the mandate. We will be working at the bargaining table to ensure a fair and equitable process for medical and religious exemptions, an independent review and appeal process for members who are



denied an exemption, and an appropriate outcome for members who decline to be vaccinated.

The Municipal Labor Committee is weighing a lawsuit challenging the city Department of Health's authority to mandate the vaccine. Although our attorneys believe the mandate has a strong legal foundation, as part of the MLC, we support its effort to ensure that every detail of this mandate meets the relevant legal standards.

We know you still have questions as you prepare for the opening day of school in September. We will continue to update you on the latest developments. I hope you are able to attend our next all-member town hall on Thursday, Sept. 2, where I will report on these topics and more.

Sincerely,

A handwritten signature in black ink that reads "Michael Mulgrew". The signature is fluid and cursive, with the first name "Michael" and last name "Mulgrew" clearly distinguishable.

Michael Mulgrew  
UFT President

United Federation of Teachers  
*A Union of Professionals*  
52 Broadway, New York, NY 10004

This email was sent to: [zwouadjou2000@yahoo.com](mailto:zwouadjou2000@yahoo.com)

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## **COVID-19 Vaccination Mandate Related Exemption or Accommodation Application**

Division of Human Resources <DHR@schools.nyc.gov>

Sat 9/18/2021 10:47 AM

To: Division of Human Resources <DHR@schools.nyc.gov>

Dear Colleagues,

We are writing to let you know that DOE staff members may now apply in SOLAS for a COVID-19 Vaccination Mandate Related Exemption or Accommodation.

This COVID-19 Vaccine Related Exemption and Accommodation application is for:

- Religious Exemption requests to the mandatory vaccination policy
- Medical Exemption requests to the mandatory vaccination policy
- Medical Accommodation requests where an employee is vaccinated but is unable to mount an immune response to COVID-19 due to preexisting immune conditions.

Applications should be made via the following process:

- Applications must be made using the [Self-Service Online Leave Application System \(SOLAS\)](#).
- In SOLAS, employees should select the initial option to "Request Accommodation" and then the option to apply for an Exemption and Accommodation for COVID Vaccine-Related Reasons, and then indicate the category for the application.
- All applications require supporting documentation which must be submitted at the time of application.

More information can be found on the [Coronavirus Staff Update InfoHub page](#).

Thank you,

NYCDOE Division of Human Capital

## SCHEINMAN ARBITRATION AND MEDIATION SERVICES

----- X

In the Matter of the Arbitration

X

between

X

NEW YORK CITY DEPARTMENT OF EDUCATION

Re:UFT.1516

X

and

X

ZENA WOUADJOU

X

----- X

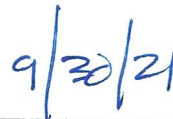
Issue: Religious Exemption

Date of Hearing: September 30, 2021

Award

APPLICATION FOR EXEMPTION: GRANTED [ ] DENIED [X] OTHER [ ]

On the record before me, Appellant failed to establish  
entitlement to a religious exemption.


\_\_\_\_\_  
Arbitrator Julie A. Torrey

\_\_\_\_\_  
Date

**Notice of Leave Without Pay - PLEASE READ**

NYCDOE &lt;noreply@schools.nyc.gov&gt;

Sat 10/2/2021 3:12 PM

To: Wouadjou Zena &lt;ZWouadj@schools.nyc.gov&gt;

Dear Zena Wouadjou,

You are receiving this message because **you are being placed on a Leave Without Pay (LWOP) because you are not in compliance with the DOE's [COVID-19 Vaccine Mandate](#)**. If you are a substitute or in certain titles you have been placed in another inactive status, not a LWOP. **This means you must not report to your work or school site beginning Monday, October 4<sup>th</sup>.**

While you are on Leave Without Pay (LWOP), you:

- Cannot work and will not receive compensation, but you will continue your medical benefits
- Cannot use annual leave, CAR or sick time
- Cannot enter your work or school site
- Cannot reach out to students or families

In order to return from LWOP status, you must complete two steps using the [DOE Vaccination Portal](#)

1. Upload proof that you have received your first dose of a COVID-19 vaccine. **Proof of COVID-19 Vaccine can be an image of your vaccination card, NYS Excelsior Pass, or another government record**
2. E-sign the attestation stating that you are willing to return to your worksite within seven calendar days of submission.

Once you have completed these two steps, your HR Director and supervisor will also be notified and will work with you to plan your return date.

**If you have been vaccinated this weekend and upload this information by Monday morning, you may report to work as usual on Monday, October 4<sup>th</sup>, and you will be put back on active status.**

On Monday, October 4<sup>th</sup>, if you have an acceptable proof of vaccination (e.g., vaccination card, NY State Excelsior pass, or other government record) but have not been able to upload to the [DOE Vaccination Portal](#), you may show your proof to the School Safety Agent and/or Principal (or designee) at the door. You will be allowed in the building, and you must immediately upload proof of vaccination to the Vaccination Portal and confirm that you would like to return to work in order to ensure there is no break in payroll.

If you encounter technical issues accessing the Vaccination Portal, please contact the DOE Help Desk by [opening a ticket online](#) or calling 718-935-5100. If you need support uploading your proof of vaccination, please contact your principal or HRD who can do so on your behalf.

Please be advised that if you do not intend to return to the DOE after October 1, 2021, you will need to return all DOE property, including computers, IDs, blackberries, and keys, immediately. Failure to return any DOE property that has been assigned to you will delay the processing of your final payment and any payout of leave time.

Employees represented by UFT or CSA who have been placed on LWOP due to vaccination status may select (in SOLAS) special separation or leave options per the arbitration award:

- **Separation with benefits** (available in SOLAS as of Monday, October 4): Employees choosing to separate under this option:
  - **Must share their intention to separate via SOLAS by October 29, 2021.**
  - Will be required to waive their rights to challenge the involuntary resignation, including, but not limited to, through a contractual or statutory disciplinary process
  - Will be eligible to be reimbursed for unused CAR/sick leave on a one-for-one basis at the rate of 1/200th of the employee's salary at departure per day, up to 100 days, to be paid out following the employee's separation
  - Will be eligible to maintain health insurance through September 5, 2022, unless they have health insurance available from another source.
- **Extend the leave without pay due to vaccination status through September 5, 2022** (available in SOLAS as of Monday, November 1 through November 30, 2021):
  - Employees choosing this option will also be required to waive their rights to challenge their involuntary resignation, including, but not limited to, through a contractual or statutory discipline process
  - They will remain eligible for health insurance through September 5, 2022
  - Employees who have not returned by September 5, 2022 shall be deemed to have voluntarily resigned
- Beginning December 1, 2021, the DOE will seek to unilaterally separate employees who have not selected one of the options above or otherwise separated service.

For more information about where to get vaccinated, visit [vaccinefinder.nyc.gov](https://vaccinefinder.nyc.gov) or call 877-VAX-4-NYC. For the latest COVID-19 staffing updates, please [visit the Coronavirus Staff Update InfoHub page](#).

Sincerely,

NYCDOE Division of Human Capital

## New Appeal Option for Religious Exemption to the COVID-19 Vaccine Mandate

Division of Human Resources <DHR@schools.nyc.gov>

Fri 11/19/2021 5:36 PM

 1 attachments (378 KB)

Directions to use SOLAS to Request Appeal to Citywide Panel.pdf;

Dear Colleague,

According to our records, you appealed a denial of a religious exemption to the COVID-19 vaccine mandate and that appeal was not granted by the third-party arbitrator. As you may be aware, other City employees now have an option to appeal a religious exemption denial by their agency to a central Citywide Panel. Based on your status, you now have an opportunity to also appeal to this Citywide Panel.

Please note the following about this new appeal option:

- Your request will be considered by a central Citywide Panel comprised of representatives of the Commission on Human Rights, the Department of Citywide Administrative Services, and the Office of the Corporation Counsel. The determination will be made by the panel according to the standards imposed by Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, and the New York City Human Rights Law.
- To submit this appeal, you will use SOLAS, as you have before. Specific login instructions are below. There is no need to re-submit any materials you already included in your original application or in SOLAS as part of your appeal to the arbitrator, however, you may submit new documentation when you submit this appeal in SOLAS. Note that documentation from a religious official is not required but you are free to submit it.
- To be considered by the Citywide Appeal, you must submit the appeal via SOLAS by no later than 11:59 pm on Friday, December 3, 2021.
- While your new appeal is pending you will remain on Leave Without Pay status. However, the deadline to apply for the extension of your Leave Without Pay will be extended until seven calendar days after your new appeal is resolved.
- If you opted for the special provisions separation, you still may re-appeal. If your new appeal is approved, then you will be given a choice to be reinstated.

To make an appeal using this procedure:

1. Log into [SOLAS](#)
2. Click the button **at the bottom-right of your screen** titled "Apply for Leave/Exemption/Accommodation"
3. Go to section "COVID-19 Vaccine Related Exemption or Accommodation" (scroll down if needed)
4. Select "I would like to APPEAL"
5. Provide your consent by clicking "OK" on the pop-up
6. Enter reason for appeal
7. **Optional:** upload additional documentation for appeal
8. Click "Confirm Appeal"
9. Click "OK" on the pop-up
10. You should see the option text changed to "Your appeal is pending a determination"

A copy of these instructions with screenshots from SOLAS is attached to this message. Please do not reply to or forward this message.

Thank you,

NYCDOE Division of Human Capital

## Your Appeal to the Citywide Panel - Additional Information

Division of Human Resources <DHR@schools.nyc.gov>

Fri 1/7/2022 7:06 PM

Colleague,

Your appeal of your religious exemption to the COVID-19 vaccine mandate has been submitted to the Citywide Appeal Panel. To assist the Citywide Appeal Panel in reviewing your religious exemption request, please provide the following additional information by Friday, January 14, 2022 at 8:00 pm:

1. Whether you have previously taken any vaccinations.
2. If you have stated that you have a personal religious aversion to foreign or other impermissible substances entering your body, please describe this with more clarity, including describing any other commonly used medicines, food/drink and other substances you consider foreign/impermissible or that violate your religious belief.
3. If you have stated that you cannot take the vaccine because of an objection to using derivative fetal cells in the development of a vaccine, please provide more information about your stated objection and whether there are other medications or vaccinations that you do not take because of this objection.
4. Any additional occasions you have acted in accordance with the cited belief outside the context of a COVID-19 vaccination, to the extent not previously described in the documentation already submitted.

To submit this information, please follow the steps below:

- Written responses should be sent in as an attached document to [PanelAppealUpdate@schools.nyc.gov](mailto:PanelAppealUpdate@schools.nyc.gov) (*Do not send, copy, or reply to this email.*)
- Written responses must be received by email by Friday, January 14, 2022 at 8:00 pm
- Only attach new information/document - do not resend documentation that was already provided.
- Include your Name and Employee ID number in the subject line of your email.

If additional information is not provided, the Panel will consider your appeal based on the materials/information you already submitted through SOLAS.

Thank you,

NYCDOE Division of Human Resources



## Reasonable Accommodation Appeal Determination

noreply@salesforce.com <noreply@salesforce.com>

on behalf of

NYC Employee Vaccine Appeals <vaxappeal@dcas.nyc.gov>

Mon 3/7/2022 2:07 PM

To: Wouadjou Zena <ZWouadj@schoools.nyc.gov>

The City of New York Reasonable Accommodation Appeals Panel has carefully reviewed your Agency's determination, all of the documentation submitted to the agency and the additional information you submitted in connection with the appeal. Based on this review, the Appeals Panel has decided to deny your appeal. This determination represents the final decision with respect to your reasonable accommodation request.

The decision classification for your appeal is as follows: The employee has failed to establish a sincerely held religious belief that precludes vaccination. DOE has demonstrated that it would be an undue hardship to grant accommodation to the employee given the need for a safe environment for in-person learning

**For all employees other than DOE employees:** Pursuant to the City of New York's policy concerning the vaccine mandate, you now have **three business days** from the date of this notice to submit proof of vaccination. If you do not do so, you will be placed on a leave without pay (LWOP).

**For Department of Education (DOE) employees:** Pursuant to New York City Department of Education policy, you have seven calendar days to extend your Leave Without Pay or return to work. If you do neither, you will be subject to termination. For further information and instructions, please see [DOE Denial of Appeal Information](#).

You have received notice that the City of New York Reasonable Accommodation Appeals Panel has denied your appeal.

If you selected to separate by October 29, 2021, or selected to extend your Leave Without Pay (LWOP) by November 30, 2021, no further action is required.

**If you remain non-compliant with the New York City Health Commissioner's Order requiring vaccination of all NYCDOE staff, have not already opted to separate or extend your LWOP, and do not opt within 7 calendar days of the notice of the citywide panel's denial of your appeal to extend your LWOP or return from LWOP status, you will be terminated from service with the NYCDOE.** Please note that your health insurance coverage through the City will also cease upon termination. You must return all DOE-issued equipment and materials, including your ID, to your supervisor. Information about COBRA will be mailed separately to you at the address on file in NYCAPS. Your school and/or office will be notified of your termination as well.

If you would like to extend your LWOP status, you may do so by logging into [SOLAS](#) and stating your intention **by no later than 7 calendar days after the citywide panel's notice**. Employees choosing this option:

- Will remain eligible for health insurance through September 5, 2022.
- May seek to return from this leave prior to September 6, 2022 by following the steps below on returning from LWOP status. Employees who have not returned by September 6, 2022 shall be deemed to have voluntarily resigned.
- Must waive their rights to challenge such resignation, including, but not limited to, through a contractual or statutory disciplinary process

If you would like to return to work from LWOP status, you must complete two steps using the [DOE Vaccination Portal](#) by no later than seven calendar days after the citywide panel's notice:

- a. Upload proof that you have received your first dose of a COVID-19 vaccine. Proof of COVID-19 vaccine can be an image of your vaccination card, NYS Excelsior Pass, or another government record.
- b. E-sign the attestation stating that you are willing to return to your worksite within fourteen calendar days of submission.

Once you have completed these two steps, your HR Director and supervisor will also be notified and will work with you to plan your return date. If you encounter technical issues accessing the Vaccination Portal, please contact the DOE Help Desk by [opening a ticket online](#) or calling 718-935-5100. If you need support uploading your proof of vaccination, please contact your principal or HRD, who can do so on your behalf.

If you believe you have received this notice in error because you have submitted proof of vaccination, please contact [LWOPQUESTIONS@SCHOOLS.NYC.GOV](mailto:LWOPQUESTIONS@SCHOOLS.NYC.GOV) immediately.